ASHTABULA RIVER PARTNERSHIP

Minutes Annual Meeting 26 September 2001 AYC

Coordinating Committee Co-Chair Fred Leitert called the meeting to order at 3:05 p.m.

The Minutes of the last full meeting of the River Partnership (30 August 2000) were approved as previously distributed.

Mr. Leitert then introduced special guests: Robert Boggs, Ashtabula County Commissioner; Sam Bucci, Ashtabula Township Trustee; LTC Glen R. DeWillie, Buffalo District Commander, USACE; George Distel, State Representative; Duane Feher, Ashtabula County Commissioner; Heather Marr, District Representative for U.S. Senator George Voinovich; Jo Misener, Ashtabula City Council President; Jack Rintoul, DPM, Buffalo District, USACE; Chris Sinagra, District Representative for U.S. Senator Mike DeWine; William Skowronski, Director, Northeast District, Ohio EPA, and Mary Ann Smith, Ashtabula Township Trustee. [Shortly following these introductions, arriving were Tom Intorcio, District Representative for U.S. Congressman Steve LaTourette, and Julie Michael, Governor Taft's Economic Development Representative.]

Committee reports followed.

Outreach Committee. Chairman Carl Anderson offered the following review of yearly activities:

- □ Ted Ocepek and Tom Shay are working on three 30-second TV spots to be aired just prior to and throughout the public and agency review period for the CMP/EIS.
- □ Various members of the River Partnership have made 21 presentations, including boat tours of the river.
- □ The Partnership has been heavily involved with the After School Discovery program both in solicitation of grant funds from Ohio EPA and, then, in development of a curriculum, entitled Water Ways Adventure, being used in the Ashtabula Area City Schools.
- □ John Mahan recently appeared on the Ohio News Network 6 o'clock news, aired live from Point Park.

Project Committee. Co-Chairman Steve Golyski, using transparencies, reviewed the scope and purpose of the River Partnership and presented a thumbnail sketch of future activities. Overhead titles and content are included below.

Overhead 1--Ashtabula River Partnership Environmental Dredging--title page

Overhead 2--Ashtabula River--aerial photos of upper and lower river

Overhead 3--Ashtabula Harbor, OH--drawing differentiating Operation & Maintenance (O&M) dredging from environmental dredging

Overhead 4--Upper River--aerial photo/justifications:

- ♦ Health & Safety
- ♦ Improve Recreational Boating Business

♦ Future Disposal Concerns

Overhead 5--Outer Harbor--aerial photo/justifications:

♦ Increase Commercial Shipping

Overhead 6--Entire Harbor--aerial photo/justifications"

◆ Upstream and adjacent toxic and polluted sediment is threat to entire Federal Navigation Channel and Harbor. Golyski noted that Sidley Dock has been closed for the past 2 summers.

Overhead 7--Why a Partnership?

- ♦ Complex project
- ♦ Multiple buy-ins
- ♦ Superfund avoidance

Overhead 8--Partnership Mission Statement

♦ The Ashtabula River Partnership's mission is to look beyond traditional approaches to determine a comprehensive solution for the impairment of beneficial uses posed by the contaminated sediments not suitable for open-lake disposal.

Overhead 9--Project Authorities (1/2)

- ♦ O&M General--lower river dredging
- ◆ Section 101(a) WRDA '86 (as amended)--CDF lower river
- ◆ Section 312(a) WRDA '90 (as amended)--environmental dredging of lower river adjacent to channel

Overhead 10--Project Authorities (2/2)

- ◆ Section 312(b) WRDA '90 (as amended)--environmental dredging of upper river, upstream of 5th Street Bridge
- Section 312(d) WRDA '90--CDF(s) environmental dredging

Overhead 11--Project Overview

- ◆ Environmental Dredging (Section 312, WRDA '90). Project for remediation of 696,000 cy of contaminated sediments at a total estimated cost of \$45 million
- ♦ Remediation steps
 - Dredge/transfer/dewater river sediments
 - Transfer/transport sediments and water treatment
 - Dispose of sediments in an upland landfill

Overhead 12--Next Big Steps/Milestones

- ◆ Completion of Comprehensive Management Plan/Environmental Impact Statement
 - Finalizing process regarding public release of Final CMP/EIS for general public and agency review and comment
- Initiation of Detailed Design/Preconstruction Engineering and Design (PED)
 - Design Agreement can be executed when the CMP/EIS is filed with the USEPA in Washington

Overhead 13--CMP/EIS General Sequence of Events

- Buffalo District submitted report to Division on 10 August 2001.
- ◆ Division finalizes review of Design Agreement and endorses report to USACE HQ and notifies LRB. (Oct 2001)

- ◆ Buffalo District files F[inal] EIS with USEPA (*Federal Register*) and distributes for 30-day public review; execute Design Agreement. (Nov 2001)
- ◆ District responds to FEIS public comments; provides copies of comments and responses to Draft Record of Decision (ROD) to USACE HQ. (Jan. 2002)
- ◆ HQ prepares review comments; resolves issues with Buffalo District; HQ documents findings and transmits report to ASA(CW) [Assistant Secretary for the Army, Civil Works] for approval. (Feb 2002)
- ◆ ASA(CW) coordinates report with OMB [Office of Management and Budget] and proceeds with report approval and signs ROD. (May 2002)

Overhead 14--Detailed Design/Plans and Specs

- ♦ Buffalo District and Partnership to develop Project Management Plan to address design products, schedule and budgets.
- ◆ Determine in-house resources and contract acquisition strategy for project component designs: dredging, sediment dewatering, effluent treatment and landfill design; determine permit requirements.
- ♦ Scopes of work required for sediment sampling, bench scale testing for determination of sediment dewatering process and effluent treatment train; soil borings/testing and HTRW evaluation of landfill and dewatering sites.
- ◆ In-house effort will use existing design for basis of landfill design; need to design support facilities
- ◆ Estimate 12 months for detailed design and 6 months for Plans and Specifications for first contract; Independent Technical Review(s) required.

Overhead 15--Future Project Schedule

- ♦ Execute Design Agreement: Nov 2001
- ◆ CMP/EIS ROD: May 2002
- ◆ Complete Detailed Design/Value Engineering/Plans and Specifications/obtain required permits for first design contract: Apr 2003
- ◆ Project Cost Share Agreement:
 - Forward PCA to USACE HQ/ASA(CW): Oct 2003
 - Execute Agreement: Mar 2004
- ♦ Contract activities:
 - Advertise: May 2004
 - Award: June 2004
 - Notice to Proceed: July 2004

Overhead 16--Construction Schedule

- Construct landfill and sediment dewatering/transfer facility: Jul 2004-June 2005
- Sediment dredging:
 - TSCA-classified sediments (150,000 cy): Jul 2005-Oct 2005
 - Non-TSCA-classified sediments (546,000 cy): Oct 2005-Dec 2006
- Demolish/dispose dewatering/transfer facility: Jan/Feb 2007
- ◆ Place landfill cap: May/June 2007

[N.B. It should be noted that the project task dates presented during the meeting were based on the established timeframes to accomplish the specific tasks discussed (i.e., Detailed Design and Plans and Specifications being completed within a two-

year timeframe) and reflect a slippage in implementing/completing detailed design. Detailed design was originally scheduled to be initiated in 2000 but has slipped due to specific issues and problems (e.g., radionuclides, change in disposal area from Site 7 to the former RMI Sodium Plant, Independent Technical Review, etc.). At this time it is anticipated that detailed design will be implemented in late 2001, the start of the Federal Fiscal Year 2002. The Partnership and USACE Buffalo District will explore and discuss alternative project schedules and resources and resource allocations to determine ways of accomplishing detailed design and plans and specifications in a shorter timeframe than originally scheduled. A compressed schedule for detailed design, dependent upon available future budgets and available construction funds, may assist in accelerating project construction from those dates discussed during the Annual Meeting.

Note: Subsequent to the Annual Meeting, the Coordinating Committee met to discuss the timeline. It was agreed that the target of the Partnership will be to compress the timeline in order to attempt to meet the original start date--FY 2003.]

Comments and responses.

LTC DeWillie emphasized the need for a public review process and a public meeting to allow "one last crack" by citizens and agencies. Mr. Leitert noted that discussion had already begun regarding plans to conduct a public meeting at Kent State Ashtabula in mid-November. At the previous meeting of the Coordinating Committee he had asked the agency representatives to begin to consider the names of appropriate spokespersons.

LTC DeWillie then inquired about the use of a web site for better citizen accommodation. Mahan noted that a River Partnership web site [www.epa.gov/region5/ashtabula] already exists, constructed and maintained by USEPA, Region 5.

Mr. Leitert thanked Mr. Golyski for his report--"good and thorough."

Ms. Simpson inquired about which agency would assume responsibility for review of the construction plans for the TSCA landfill. Ohio EPA? Mr. Golyski responded that USEPA would take the lead, but that it will also be reviewed by OEPA.

Mr. Rintoul suggested the possibility of posting Mr. Golyski's presentation on the Partnership web site.

Dewatering/Transfer Station. Rick Brewer, Co-Chair of the Coordinating Committee, revealed that the Partnership has been in contact with Conrail, then Norfolk Southern (NS) over the past 2 years. Recently specific questions had been asked by an NS attorney, and they have been responded to. NS wants to cooperate, he affirmed. All parties are working on a lease agreement that will be agreeable to the City Port Authority (ACPA), NS, and USACE.

Resources Committee. Mr. Brewer continued, in lieu of Brett Kaull, Resources Committee Chairman. Using transparencies, he reviewed project costs.

Overhead 1--Project Cost Status

- ♦ Administrative cost
- ♦ Design cost
- ♦ Construction cost

Overhead 2--Administrative Costs--\$75K

- ♦ Township--\$10K
- ♦ City--\$25K
- ♦ County--\$40K

Overhead 3--Project Design Costs

- ◆ ACPA--\$300K [provided by ARCG]
- ♦ USACE--\$900K

Overhead 4--Construction Costs--\$46M

- ♦ USACE--\$31M
- ♦ ACPA--\$15 M
 - Ohio--\$7M
 - ARCG--\$8M

Overhead 5--Project Overrun Security

- ♦ Local sponsor--\$15M
- ♦ Insured Amount--\$15M @ \$1M cost

LTC DeWillie inquired about the cap on overrun cost. Mr. Golyski responded that the cap is \$30 million.

Overhead 6--Status

- ♦ Local sponsor in place
- Escrow account for design work in place and funded
- ♦ ARCG provided design funds, Dec. 2000
- ♦ Design Agreement signed Dec. 2000
- ◆ Project Cooperation Agreement due 1 year from now; a model agreement is in progress

Restoration Subcommittee. Also using transparencies, Mr. Leitert reviewed the factors leading up to creation of this *ad hoc* committee and the results thereof.

Overhead 1--ARCG/NRD Negotiations

- We need to differentiate between:
 - Remediation--clean-up, dredging in our case, as the remedy
 - Restoration--providing an enhanced eco-system(s) and public use
- ♦ History
 - ARP formed in '94 to remediate at the encouragement of the USEPA
 - ARCG requested that the ARP facilitate the restoration process--January 17, 2001

Overhead 2--ARCG/NRD Negotiations [2]

- ♦ The issues:
 - ARCG and NRD Trustees disagree on \$ value of restoration...and needs
 - ARCG--global settlement, i.e., settlement for both remediation and restoration
 - NRD--time is not a major factor (commuters viewpoint)
 - ARP--timing is everything (local residents viewpoint)

- ♦ Formation of Restoration Subcommittee
 - 1st meeting--February 28th
 - membership--included local, NRD, ARCG, consultants hired by ARCG, Brett Kaull, Chair; specifically included were Sheila Abraham, Carl Anderson, Sam Bucci, Leonard Eames, Joe Heimbuch, Kevin Grippi, Ron Leuenberger, Frank Lichtkoppler, John Mahan, Rick Mason, Jo Misener, Wayne Reiber, Roger Thomas, Sig Williams, and 2 consultants.
 - 5th and last meeting May 23rd

Overhead 3--ARCG/NRD Negotiations [3]

- ♦ Deliverables
 - Restoration Subcommittee defined fifteen projects; forwarded to NRD
 - ARP sent letter to NRD requesting that projects be eco-valued
- ♦ Status
 - ARP updates Senators Dewine and Voinovich and Congressman LaTourette
 - Dave Ullrich is providing "mediation" between the parties
 - Eco-valuation...update by Dave DeVault

ARCG/NRD Negotiations. Dave DeVault (U.S. Fish & Wildlife Service) first noted that time <u>is</u> important to the NRD, but that they have a statutory obligation to assure that all damage claims are settled before the government issues covenants not to sue. Further he noted that negotiations between the ARCG and NRD Trustees had begun about 1 1/2 years ago, but the ARCG had recently broken off negotiations. That stalemate, he believes, is largely based upon a difference in assumptions; thus the NRD has undertaken a full-blown Pre-assessment Screen of the Ashtabula River.

Reviewing the process, he noted that, in January 2001, the ARCG had made a \$13 million offer to the River Partnership. The NRD Trustees viewed that as an official offer of settlement and made a counter-offer. Following that, the ARCG broke off negotiations. In August 2001, formal NRD assessment under CERCLA was initiated.

He noted that there is now an effort to renew negotiations. At the request of the Partnership, he has run all projects for which there is sufficient data through USF&WS's eco-model; that information will be forwarded to the ARCG by the end of the week. Examples of projects considered include wetland construction and restoration of the dunes on Walnut Beach.

NRD in Ohio is comprised of the following agencies: NOAA (Department of Commerce), USF&WS (Department of Interior), and Ohio EPA. Sig Williams (Ohio EPA) added that the mission of the NRD Trustees is to see to the restoration of natural resources. Mr. Brewer emphasized that the Restoration Subcommittee was heavily composed of area citizens, many of whom have taken an interest in improvement of parks and recreation.

Duane Feher inquired as to the number of proposed projects outside the Ashtabula River watershed. DeVault responded that none of the NRD project proposals are outside, although some of the ARCG projects are. Dr. Abraham clarified that there is nothing in

the regulations that requires restoration projects to be in the watershed, therefore public comment will be needed to assure that they are in this case.

Mr. Feher further inquired about possible impacts on area drinking water from Lake Erie. Mr. DeVault assured there would be no problem with drinking water, but there would be a major problem to the fisheries if the river sediments were to be washed out into the lake in the event of a major storm.

Robert Boggs, Ashtabula County Commissioner, inquired whether the NRD Trustees were being, perhaps, more stringent on this project than they normally would. Mr. DeVault assured him that was not the case. The Trustees' concern is compensation of loss and they are attempting to be cooperative. Dr. Abraham reminded that the State of Ohio has committed \$7 million to the remediation of the river; she views it as a "win-win" situation.

Grant Brockway (Brockway Northcoast Marine) commented that 2007 is a long way off and that the marina operators and boaters are in serious trouble <u>now</u>. "Is there any way to speed up the process?" he asked. He has dredged the river around his docks for the past 2 years; boaters are managing, but only with difficulty. Consequently, he is losing dockers, as are other marinas. He also inquired about the interim dredging. Golyski responded that speed-up will be contingent upon resources available. He reminded that recreational dredging is not as high a priority with the Corps of Engineers as is commercial navigation dredging. Interim dredging will occur yet this year. LTC DeWillie inquired about risk assessment and the possibility of emergency dredging under 312(b). Mr. Brewer responded that, in recent sampling in the area around AYC, the sediments passed the test. Mr. Anderson informed that AYC is putting buoys in the river, because boaters are hitting bottom. Mr. Williams reaffirmed that interim dredging will affect only the lower river--the conveyor belt on down. Mr. Golyski added that the material upstream is unfit for open-lake disposal.

Finally, Mr. Leitert thanked Mr. DeVault for his presentation and assured him that he was merely attempting to point out the needs conflict of all parties involved, that he was not intending to imply that the Trustees had not spent considerable time and effort on the work of the Restoration Subcommittee.

The meeting adjourned at 4:20 p.m.

Respectfully submitted,

John Mahan